

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MAJOR GEORGE TILLERY,	:	CIVIL ACTION
Petitioner,	:	
	:	
V.	:	
	:	
KENNETH EASON, et al.,	:	No. 20-2675
Respondents.	:	

**RESPONSE TO PETITIONER'S OBJECTION TO RESPONDENTS'  
MOTION FOR EXTENSION OF TIME TO FILE RESPONSE**

The petitioner, Major George Tillery, through counsel, has responded opposing the Respondents' motion for a 60-day extension of time to respond to Tillery's successive habeas corpus petition. ECF Nos. 40 (motion), 41 (response). Tillery's response asks the Court to deny the extension motion and order the Respondents to file their response within 10 days.

Respondents seek additional time mainly to determine whether they possess materials favorable to Tillery that they have not yet disclosed. When voluntary discovery began, Tillery's counsel asked to review files from other cases where prosecution witnesses Claitt and Mickens may have offered cooperation. Respondents asked Tillery's counsel to review the files from Tillery's and Franklin's cases first, before deciding whether disclosure of the other files was warranted. But, instead of renewing their request for the other files, counsel for Tillery filed their amended petition based on the initial discovery. Respondents have concluded that they view it as a difficult question whether Tillery is entitled to relief based on the *Brady* claim

that counsel opted to raise based on incomplete discovery. Therefore, Respondents would strongly prefer to complete their review of the other files before determining their position.

If Respondents uncover undisclosed materials favorable to Tillery, they will promptly disclose them to Tillery's counsel. And if Tillery's counsel now wish to review the other files themselves pursuant to Respondents' open-file-discovery policy, they may.

Tillery's response opposing the extension request relies on a recitation of the substance of telephone conversations between Tillery's counsel and counsel for Respondents that is fundamentally at odds with Respondents' recollection of those conversations. But Respondents see no good purpose in engaging with counsel for Tillery about that dispute. In order to avoid such issues in the future they will ensure that their communication with Tillery's counsel about the case is carried out by email. For purposes of this reply, Respondents simply maintain that (a) they have not attempted to mislead counsel for Tillery and (b) they seek this reasonable extension for no improper purpose.

For these reasons, together with those given in their motion, Respondents respectfully request that their motion for a sixty-day extension of time be granted.

Respectfully submitted,

*/s/ Shoshana D. Silverstein*  
SHOSHANA D. SILVERSTEIN  
Assistant District Attorney  
Federal Litigation Unit

*/s/ Matthew Stiegler*  
MATTHEW STIEGLER  
Supervisor, Federal Litigation Unit

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**CERTIFICATE OF SERVICE**

I certify that on December 13, 2022, a copy of the foregoing response was served on all counsel of record via the Court's electronic filing system.

Respectfully submitted,

*/s/ Shoshana D. Silverstein*  
SHOSHANA D. SILVERSTEIN  
Assistant District Attorney  
Federal Litigation Unit